

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

CALVIN N. TRAMBLE

v.

UNITED STATES OF AMERICA

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Nos. 1:03-cv-306/1:98-cr-077-05

Edgar

J U D G M E N T

For the reasons expressed in the accompanying memorandum, it is the **JUDGMENT** of this Court that:

(1) Plaintiff's objection [Doc. No. 12] to the report and recommendation of the United States Magistrate Judge [Doc. No. 11] is **DENIED**. The Court **ACCEPTS AND ADOPTS** the United States Magistrate Judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and FED. R. CIV. P. 72(B);

(2) All claims of Calvin N. Tramble ("Tramble") in his motion to vacate, set aside and correct sentence under 28 U.S.C. § 2255 [Doc. No. 1] are **DENIED AND DISMISSED WITH PREJUDICE**;

(3) Tramble's motion for a summary judgment on his § 2255 claims [Doc. No. 8] is **DENIED AND DISMISSED WITH PREJUDICE**;

(4) Tramble's motion to amend his § 2255 motion [Doc. No. 4] is **DENIED AND DISMISSED WITH PREJUDICE**;

(5) Pursuant to 28 U.S.C. § 1915(A)(3) and RULE 24 of the FEDERAL RULES OF APPELLATE PROCEDURE the Court hereby **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, any application by Tramble for

leave to proceed *in forma pauperis* on appeal is **DENIED**. 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24; and,

(5) Should Tramble file a timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, which is hereby **DENIED** since he has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Rule 22(b) of the FEDERAL RULES OF APPELLATE PROCEDURE.

SO ORDERED.

ENTER this *15th day of June, 2005*.

/s/ R. Allan Edgar
R. ALLAN EDGAR
CHIEF UNITED STATES DISTRICT JUDGE